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SALESFORCE.COM, INC.

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15

16 STEVEN L. LORAIN,  
17 Plaintiff,  
18 v.  
19 SALESFORCE.COM, INC.,  
20 Defendant.  
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Case No. C11-4934 EMC

**STIPULATION REGARDING TRANSFER  
OF CASE FROM THE HONORABLE  
JUDGE CHEN AND RESPONSIVE  
PLEADING AND [PROPOSED] ORDER**

COMPLAINT FILED: October 5, 2011  
TRIAL DATE: No date set.

1 IT IS HEREBY STIPULATED by and between the parties to this action, Steven Lorain,  
 2 through his attorney Ellen C. Dove, and Salesforce.com, now appearing through its attorney Arthur  
 3 M. Eidelhoch of Littler Mendelson, that the above action may and will be reassigned and transferred  
 4 from the Honorable Edward M. Chen. The parties make this stipulation with regard to the  
 5 following:

6 Both of the parties and the Court have been advised of the existence of a conflict or potential  
 7 conflict of interest between the Honorable Edward M. Chen and counsel for Plaintiff and also  
 8 counsel for Defendant.

9 The parties understand the Court will reassign this matter. The parties request reassignment  
 10 to an Article III Judge, and not a Magistrate Judge. The parties do not by way of this stipulation  
 11 consent to be reassigned to a Magistrate Judge.

12 Plaintiff has a pending motion and Plaintiff would like for the briefing schedule and hearing  
 13 date (December 2, 2011) to remain intact, if possible. Currently, Defendant's opposition is due on or  
 14 before November 14, 2011 and Plaintiff's reply is due on or before November 18, 2011. The parties  
 15 will comply with those briefing deadlines. In the event the reassigned Judge is unable to hear  
 16 Plaintiff's pending motion on December 2, 2011, Defendant will not object to the earliest new  
 17 hearing date the Court can assign, provided that the parties will meet and confer to ensure that  
 18 counsel are available.

19 Defendant's responsive pleading shall be filed on or before November 23, 2011. The parties'  
 20 stipulation in this regard does not alter the date of any hearing or deadline set by the Court.

21 It is Plaintiff's position that time is of the essence as to a potential impending termination of  
 22 his COBRA benefits on December 31, 2011.

23 Dated: November 14, 2011

Respectfully submitted,

24 /s/ Ellen C. Dove

25 Ellen C. Dove  
 26 Law Offices of Ellen C. Dove  
 27 Attorneys for Plaintiff  
 28 STEVEN L. LORAIN

I HEREBY ATTEST THAT THE CONTENT OF THIS DOCUMENT IS  
ACCEPTABLE TO ALL PERSONS REQUIRED TO SIGN IT.

Dated: November 14, 2011

Respectfully submitted,

/s/ Arthur M. Eidelhoch

Arthur M. Eidelhoch

LITTLER MENDELSON, P.C.

A Professional Corporation

Attorneys for Specially Appearing Defendant  
SALESFORCE.COM, INC.

**IT IS SO ORDERED**

Consistent with the parties' Stipulation, notice regarding reassignment of this case and the  
hearing date for the above-referenced motion shall be forthcoming from the Court.

Dated: \_\_\_\_\_, 2011

By: \_\_\_\_\_  
The Honorable Edward M. Chen  
United States District Judge

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